

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.N. LBR 9004-1(b)

Denise Carlon, Esq.

KML Law Group, P.C.

216 Haddon Avenue, Suite 406

Westmont, NJ 08108

Main Number: (609) 250-0700

dcarlon@kmllawgroup.com

Attorneys for PNC Bank, N.A.

In Re:

MARK ANTHONY ANDREOTTIS II,

Debtor.

Case Number: 17-15603-JKS

Chapter: 7

Judge: Honorable John K. Sherwood

CHARLES M. FORMAN, Chapter 7 Trustee,

Plaintiff,

vs.

PNC BANK, ET AL.,

Defendants.

Adv. Pro. Number 18-1314-JKS

ANSWER TO ADVERSARY COMPLAINT

Defendant PNC Bank, N.A., by way of answer says:

JURISDICTION AND VENUE

1. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
2. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
3. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

4. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

GENERAL ALLEGATIONS

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

11. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

12. Admitted.

13. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

THE PARTIES

14. Admitted.

15. Admitted. With regard to the amount due to PNC, Defendant reserves its rights to provide updated payoff information to Plaintiff.

16. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

17. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

18. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

19. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

20. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

21. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

22. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
23. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
24. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

COUNT I

(To Determine Extent, Validity and Priority of Liens)

25. Defendant repeats and realleges the allegations set forth above as if set forth at length herein.
26. In so far as PNC is mentioned, admitted. As to the accuracy of the remaining information, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
27. PNC has a lien on real property by virtue of a mortgage recorded with the Registrar of Deeds in Hudson County, New Jersey, Book 13332, Page 00189. As to the accuracy of the remaining information, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
28. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

WHEREFORE, Defendant takes no position as to Count One and demands judgment awarding Defendant reasonable attorneys' fees and costs, dismissing Count One of the adversary complaint against Defendant PNC Bank, and granting further relief this Court deems appropriate.

COUNT II

(To Avoid Judicial Liens Pursuant to 11 U.S.C. §544)

29. Defendant repeats and realleges the allegations set forth above as if set forth at length herein.
30. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
31. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
32. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
33. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

WHEREFORE, Defendant takes no position as to Count Two and demands judgment awarding Defendant reasonable attorneys' fees and costs, dismissing Count Two of the adversary complaint against Defendant PNC Bank, and granting further relief this Court deems appropriate.

COUNT III

(Subordination of Liens of State of New Jersey and the United States Pursuant to §724(b) and 724(a) of the Bankruptcy Code)

34. Defendant repeats and realleges the allegations set forth above as if set forth at length herein.
35. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

36. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

37. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

38. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

WHEREFORE, Defendant takes no position as to Count Three and demands judgment awarding Defendant reasonable attorneys' fees and costs, dismissing Count Three of the adversary complaint against Defendant PNC Bank, and granting further relief this Court deems appropriate.

COUNT IV

(Avoidance of Post-Petition Transfer in Violation of § 362 of the Bankruptcy Code)

39. Defendant repeats and realleges the allegations set forth above as if set forth at length herein.

40. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

41. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

42. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

WHEREFORE, Defendant takes no position as to Count Four and demands judgment awarding Defendant reasonable attorneys' fees and costs, dismissing Count Four of the

adversary complaint against Defendant PNC Bank, and granting further relief this Court deems appropriate.

COUNT V

(To Preserve Avoided Liens)

43. Defendant repeats and realleges the allegations set forth above as if set forth at length herein.
44. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

WHEREFORE, Defendant takes no position as to Count Five and demands judgment awarding Defendant reasonable attorneys' fees and costs, dismissing Count Five of the adversary complaint against Defendant PNC Bank, and granting further relief this Court deems appropriate.

COUNT VI

(Authorizing Sale of Property Free and Clear of Interest of Co-Owner pursuant to 11 U.S.C. §363(h))

45. Defendant repeats and realleges the allegations set forth above as if set forth at length herein.
46. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
47. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
48. Admitted as to PNC; as to all other parties, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
49. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

50. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
51. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
52. Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.
53. In so far as the allegations set forth a legal conclusion, no answer is required. As to the remainder, Defendant lacks knowledge sufficient to admit or deny and leaves Plaintiff to his proofs.

WHEREFORE, Defendant takes no position as to Count Six and demands judgment awarding Defendant reasonable attorneys' fees and costs, dismissing Count Six of the adversary complaint against Defendant PNC Bank, and granting further relief this Court deems appropriate.

/s/Denise Carlon , Esquire

Denise Carlon, Esquire
KML Law Group, P.C.
216 Haddon Avenue, Ste. 406
Westmont, NJ 08108
(609) 250-0700 (NJ)
dcarlon@kmllawgroup.com

Attorney for Defendant PNC Bank, N.A.

Dated: July 31, 2018